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8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 MICHAEL B. WADSWORTH,

11 Petitioner,

12 vs.

13 BRIAN E. WILLIAMS, et al.,

14 Respondents.

15 2:13-cv-00401-GMN-GWF

**UNOPPOSED MOTION FOR  
ENLARGEMENT OF TIME FOR  
PETITIONER TO RESPOND TO  
COURT'S ORDER (CR 14) ON THE  
MOTION TO DISMISS**

**AND ORDER THEREON**

(First Request)

17 The Petitioner, Michael B. Wadsworth (Wadsworth), through counsel files this request for  
18 extension of time to file Petitioner's response to this Court's March 30, 2015 Order regarding  
19 Respondent's motion to dismiss. Petitioner requests that this Court grant him an extension of time of  
20 twenty-one (21) days to file his response, causing the new deadline to be May 20, 2015.

21 DATED this 28<sup>th</sup> day of April, 2015.

22 Respectfully submitted,

23  
24 LAW OFFICES OF THE  
FEDERAL PUBLIC DEFENDER

25 By: /s/ Megan C. Hoffman  
26 MEGAN C. HOFFMAN  
27 Assistant Federal Public Defender  
28

## **POINTS AND AUTHORITIES**

2       1.       The Petitioner (hereinafter “Wadsworth”) was convicted of first degree murder with use  
3 of a deadly weapon and sentenced to two consecutive 20-to-50-year prison terms.

4       2.       Wadsworth commenced this action on February 27, 2013, the date that he provided his  
5 pro se § 2254 Petition and accompanying documents to prison authorities for mailing to this Court.  
6 Clerk's Record (CR) 1, 6. He asked for the appointment of counsel, and on May 10, 2013, the Court  
7 appointed this office to represent him. CR 5. Counsel entered her notice of appearance on June 10,  
8 2013. CR 8.

9       3.       On July 24, 2013, counsel filed a First Amended Petition with accompanying exhibits.  
10      CR 9-17. Counsel simultaneously filed a Request for Leave and Extension of Time to file a Second  
11      Amended Petition on the same date. CR 20. That request was granted on July 26, 2013. CR 21.  
12      Wadsworth's Second Amended Petition was filed December 6, 2013. CR 26. On August 28, 2014,  
13      Respondent's filed their Motion to Dismiss. CR 34.

14 4. On March 30, 2015 this Court entered an Order granting in part the motion to dismiss.  
15 The court also ordered that Wadsworth has 30 days from the date of the Order to “file a motion for  
16 dismissal without prejudice of the entire petition, for partial dismissal ... or for other appropriate relief.”  
17 CR 46. Wadsworth’s response to the Court’s order is due April 29, 2015. Counsel new seeks a twenty-  
18 one (21) day extension to file his response taking the new due date to May 20, 2015.

19       5.     Counsel for Petitioner requires additional time to file his response. This is the first  
20 extension of time for this pleading. Counsel has communicated with Wadsworth regarding this Court's  
21 order. Following that conversation, counsel has mailed Wadsworth a document relevant to his decision  
22 pursuant to the court's order. Due to mail constraints at the prison, counsel requires additional time for  
23 the document to be delivered and for Wadsworth to return the document to counsel.

24        6.        This motion is not for purposes of delay but in the interests of justice and the interests  
25 of the Petitioner, Mr. Wadsworth.

26        7.        April 28, 2015, counsel for Petitioner contacted counsel for Respondents, Deputy  
27 Attorney General Jeffrey M. Conner, concerning this request for an extension of time. Mr. Conner  
28 advised he is not opposed to this request for an extension.

1       8.     Wadsworth respectfully requests that this Court grant this motion and order that the  
2 opposition to motion to dismiss be filed on or before May 20, 2015

DATED this 28<sup>th</sup> day of April, 2015.

Respectfully submitted,

## LAW OFFICES OF THE FEDERAL PUBLIC DEFENDER

By: /s/ Megan C. Hoffman  
MEGAN C. HOFFMAN  
Assistant Federal Public Defender

IT IS SO ORDERED.

Gloria M. Navarro, Chief Judge  
United States District Court

DATED: 05/05/2015

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee in the office of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on April 29, 2015 she served a true and accurate copy of the foregoing to the United States District Court, who will e-serve the following addressee:

Jeffrey M. Conner  
Deputy Attorney General  
100 N. Carson St.  
Carson City, NV 89701-4717

/s/ Susan Kline  
An Employee of the Federal Public Defender,  
District of Nevada